

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

State of Minnesota, by its
Attorney General Lori Swanson,

Civil File No. 12-145 RHK/JJK

Plaintiff,

v.

**AFFIDAVIT OF
MAUREEN FITZGERALD**

Accretive Health, Inc.,

Defendant.

Maureen Fitzgerald, being first duly sworn on oath, state as follows:

1. My name is Maureen Fitzgerald. I am 51 years old and I live in Edina, Minnesota with my two daughters, Caitlin and Madeleine. I was born in San Diego, California but grew up in central Wisconsin. I graduated from the University of Wisconsin - Madison with a bachelor's degree in German literature as well as a masters degree in German and education. In 1987, I moved to Minnesota and began teaching secondary German to kids in both high school and middle school. In 1998, I moved to Burkina Faso, a small country in West Africa and taught science and social studies at an international school for two years. After that, I returned to Minnesota and from 2000 to now I have taught English as a second language ("ESL") in elementary and secondary schools in Eden Prairie. In my spare time, I teach group fitness classes at the YMCA and a local community center. I also volunteer for an organization called Helping Paws, training service dogs for people with disabilities. My daughter Caitlyn is now 20 years

old and attending Gustavus Adolphus College. Madeleine is 18 years old and a senior at Edina High School.

2. On the night of Thursday, March 24, 2011, I had a fever and began to experience flu-like symptoms and had a weird redness on my skin starting at my scalp and moving to my face. These symptoms continued throughout the next day and on Friday night, I decided to go to an urgent care clinic located within a Target store in Edina. I saw a nurse at the urgent care clinic and she thought I may have the flu. She said I should just take some Tylenol and sent me home.

3. By Saturday morning, March 26, my symptoms were getting worse. The redness was progressing down my face and my face started to swell up. I had never experienced anything like this before and I was becoming increasingly concerned about what was happening to me. I decided to go to go see a doctor. I drove to an urgent care clinic called Edina Pediatrics. The doctor correctly diagnosed me as having a bacterial infection called Erysipelas/facial cellulitis. The doctor prescribed me antibiotics, told me that the antibiotics would reduce the redness and swelling I was experiencing, and sent me home. I took the antibiotics as instructed but my symptoms were not going away. When I woke up on Sunday morning, my face was more swollen and I still was feeling sick. I couldn't even open one of my eyes due to the swelling and the redness on my face had gotten worse. It looked like I had been in a bad fist-fight. I called my insurer's, HealthPartners, health line and asked a nurse what I should do. The nurse told me to call my doctor on Monday morning and keep taking the antibiotics I had been prescribed. I had a tough time sleeping Sunday night.

4. On Monday morning, March 28, my symptoms were still not better. I still had a fever and it felt like I had the flu. The redness continued to spread on my face and both my eyes were swollen almost completely shut. I attach a picture of my face (normally) and a picture of my face (swollen from the infection) as Exhibit 1. I waited until 8:00 a.m. and then called my primary care clinic, Edina Sports Health and Wellness. A nurse answered the phone and I described to her my diagnosis and symptoms to her. The nurse told me that they could not treat me at the clinic and that I should go to the emergency room right away. I was afraid about what was happening me. Since I could barely see, I had a friend drive me to the Fairview Southdale emergency room in Edina.

5. I checked myself into the emergency room, gave the front desk my insurance information, and sat down in the lobby. Eventually I was taken back to a curtained off area and I laid down in a bed. As I was laying in the bed alone, waiting for someone to give me some sort of treatment, a woman wheeled a machine on a cart into my curtained off area. The woman was dressed in business-type clothing and at first I thought she was there to examine me or give me treatment. I had not yet been examined by a doctor. The woman introduced herself and then told me that my emergency room visit was going to cost \$545.20. The woman asked me how I planned to pay this amount. I definitely had the impression that if I did not pay the woman right away up-front, I wouldn't have received the treatment I needed. I was shocked and thought thank goodness I remembered to bring my credit card with me. I handed the woman my credit card, she ran it on the machine she brought in with her and handed me a receipt. I attach a copy of the receipt I was given as Exhibit 2. The woman then left and I did not see her

again. The woman never explained how the \$545.20 I paid was calculated. At the time, I was feeling horrible and was desperate to receive treatment from somebody.

6. After the woman left, a nurse came in and took my vitals. I then finally saw a doctor. The doctor confirmed my diagnosis as Erysipelas and told me that the infection had over-powered the oral antibiotics I had been taking. He then decided that I needed to receive IV antibiotics, and a nurse started an IV. The doctor also gave me pain killers because I was in a lot of pain from the swelling in my face. I stayed in the emergency room for the next two hours receiving the IV antibiotics. I then was sent home and told to follow up the treatment with two different oral antibiotics. The antibiotics worked and eventually later that week the swelling and redness began to go away. I had to miss a whole week of work due to the bacterial infection.

7. In mid-April, I received an Explanation of Benefits ("EOB") from my insurer with regard to my emergency room visit. I attach a copy of this EOB as Exhibit 3. The EOB showed that after my insurance was applied, I owed Fairview \$520.61 for my emergency room visit, not the \$545.20 that I paid Fairview up front. I haven't been back to any Fairview affiliated location since my emergency room visit. Fairview has never contacted me, told me I overpaid them, or offered me a refund. Fairview still owes me the \$24.59 that I overpaid.

8. I am upset that I was asked to pay up-front for my emergency room visit before I had even seen a doctor. I was scared and in the middle of a medical emergency. I would have done anything to get the treatment I needed and was not in a frame of mind to question what was being asked of me. I want these practices to stop so that Minnesota

patients like me, who are in the middle of a medical emergency, are treated with more dignity, respect, and compassion.

Maureen Fitzgerald
MAUREEN FITZGERALD

Subscribed and sworn to before me
this 24 day of May,
2012.

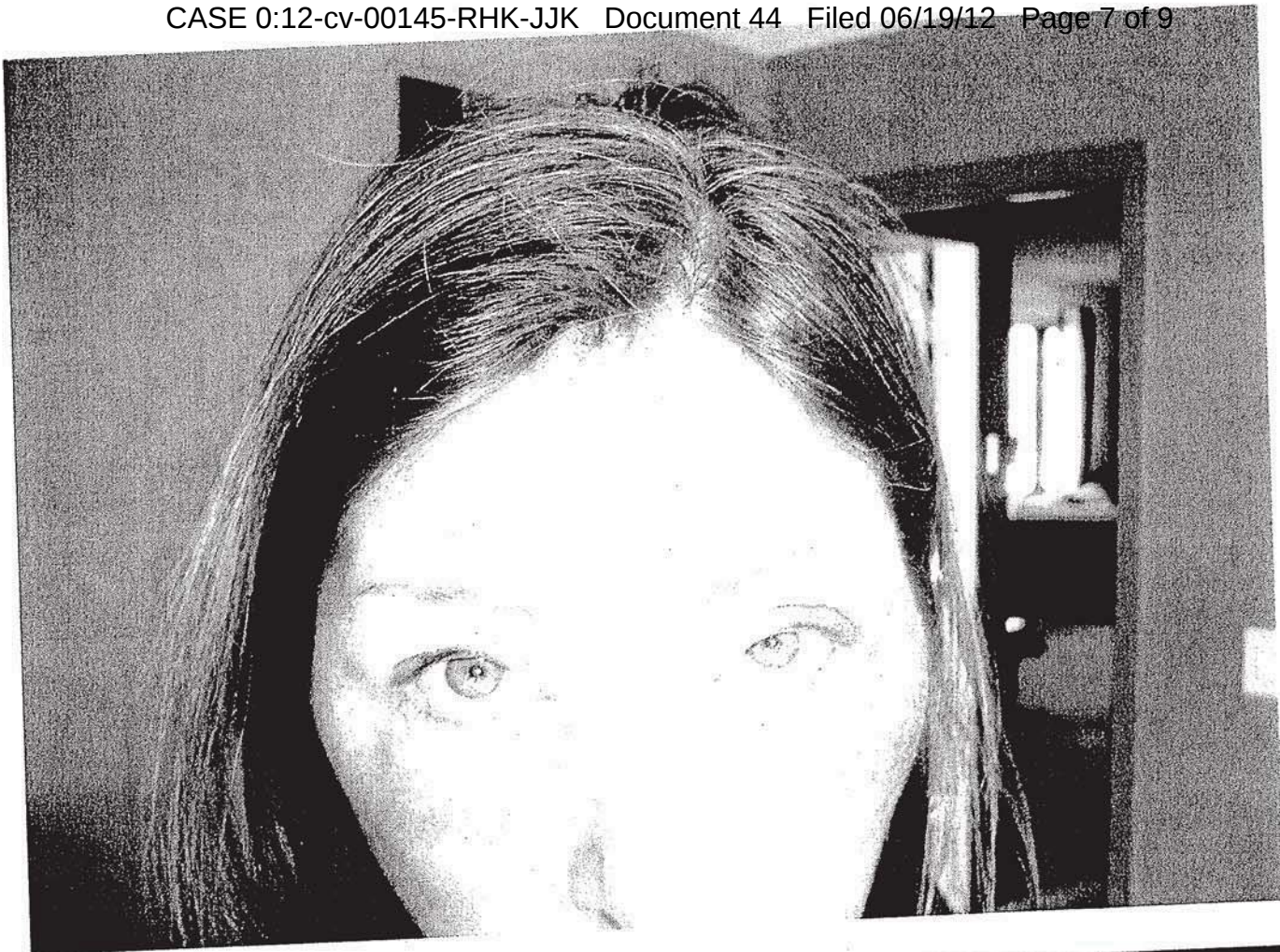
June M. Walsh
Notary Public



AG: #3018761-v1



EXHIBIT 1



Print Receipt

FAIRVIEW

Patient Payment Receipt

Terminal Operator: Operator #309

Terminal Operator: Operator #000
Transaction Date: Mar 28 2011 9:15AM

Batch #: 45490

Payment Information

			Charges	
Patient	AR Number	Date of Service	Service Code	Amount Due Payment
Maureen Fitzgerald (MR: [REDACTED])				
7313 Cornelia Drive, Edina, MN 55435				
	[REDACTED]	03/28/2011	ER	\$ 545.20 \$ 545.20
Total Paid:			\$ 545.20	

Total Paid: \$ 545.20

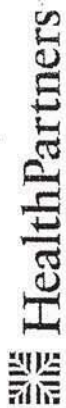
Payment Method:

Card Number:

Cardholder's Name: MAUREEN FITZGERALD

Cardholder's Name:
Authorization Code:

Signature: X



EXPLANATION OF BENEFITS

This is not a bill

DATE PREPARED: April 13, 2011

Patient Name	MAUREEN A FITZGERALD	Claim Number		Receipt Date	04/06/2011
Patient ID		Provider	FAIRVIEW SOUTHDAL HOSPITAL	Check Number	
Subscriber Name	MAUREEN A FITZGERALD	Patient Control Number		Check Date	
Group/Policy				Payment Made To	FAIRVIEW SOUTHDAL HOSPITAL

Date(s) of Service	Description	Charges	Provider Responsibility	Allowed Amount	Member Responsibility			Notes ID	Paid Amount	You Owe
					Co-pay Amount	Deductible Amount	Co-insurance Amount			
03/28/2011	Outpatient Services	1,326.98	688.14	638.84	0.00	500.00	20.61	0.00	118.23	520.61
TOTALS		1,326.98	688.14	638.84	0.00	500.00	20.61	0.00	118.23	520.61

As of 04/13/2011 for benefit year start date 01/01/2011 you have		Remaining	Max Limit
Individual Out-of-Network Out of Pocket			
Individual In-Network Out of Pocket			
Individual Out-of-Network Deductible			
Individual In-Network Deductible			

Total Amount Paid by Other Insurance	0.00
Provider Tax	12.38
Payments to Subscriber	0.00
Payment to Provider	130.61
Total Amount You Owe	520.61

EXHIBIT 3

If you have already paid the amount shown as "Total Amount You Owe" to the provider of this care or service, you do not owe any money. If you owe any money, you can expect to receive a bill from the provider.